

### **REMARKS**

Claims 1-17 are pending in this application. Claims 1-17 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1-3, 7 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,560,631 ("Ishihara"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

With respect to claim 1, the Office Action asserts that Ishihara discloses a file management system that discloses managing a plurality of files having the same file title but different contents at column 6, lines 21-26, and managing a plurality of files having the same contents but different titles as a single file at column 7, lines 6-13. Applicant respectfully disagrees.

In Ishihara, it is noted that in conventional systems, every data file is identified by its file name and path name in conjunction with a node name

assigned to the computer that stores it. Such systems allow a plurality of computers to hold two data files sharing the same file and path names but having completely different contents. As noted in Ishihara, this is a potentially problematic situation which makes it difficult to manage the data files in a unified manner. Ishihara notes that it is desirable to introduce a unified naming convention that enables each individual object to be uniquely identified in a distribution system environment as well as to develop a framework that provides associations between such names and their corresponding objects.

Further, the Ishihara system allows local copies of remote data and program files which are referred to as cached files. These cached files are fetched from other computers and saved to the local storage as cached files. These cached files have the exact same title and the same content as the original as shown in Figures 11 and 12. As such, Ishihara fails to disclose a plurality of files having the same contents but different titles as asserted by the Office Action.

Applicant explicitly claims that the file managing system is capable of managing files having the same file title and different content as well as files having the same content but different titles. This is not disclosed by the single file manager in Ishihara. As such, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 2, 3, and 12 each require a data processor for producing and recording, if no file has the same contents as any of the files recorded in the file memory, a new managing ID for a new file to be registered in the file memory.

As recited in the pending claims, when no file has the same contents as the file to be registered, a new managing ID is produced and recorded.

The Office Action asserts that this feature is disclosed at column 12, lines 1-16. Applicants respectfully disagree. At column 12, lines 1-16, Ishihara discloses a process execution controller activating a warehouse server and registering various data to those servers. A resource management server then collects and records information about the warehouse servers and their respective local storage. Finally, a cache management server is executed. Each time a cached file is created in a warehouse server, the cache management server updates its cache management table for further management. However, at no point does Ishihara disclose producing and recording in the file memory a new managing ID for a new file if no file has the same content as any of the files to be registered.

In Ishihara, each time a cache file is created, the cache management server updates its cache management table using the same identifier as the warehouse server file. As this merely keeps the file name consistent throughout a network. Thus, Ishihara's system cannot be utilized to maintain files on a single system or use a single file management system to maintain files. In Ishihara, there are multiple file management systems each maintaining files on each of the servers. Thus, there is never a need in Ishihara for producing a new managing ID and registering in the file memory the new managing ID and a file to be registered as explicitly recited in Applicant's claim. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection to claims 2, 3, and 12.

Claims 4-6, 8-11, and 13-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishihara in view of U.S. Patent No. 5,109,511 ("Nitta").

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests. See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicant.

Claims 4-6 and 13-17 depend from allowable claims as discussed above. Further, the Office Action asserts that "claims 8-11 and 9-16, these claims recited the same subject matter as claims 2-6 and 13-15 in form of method, since the features of these claims have been disclosed or suggested by the combined system as discussed above, hence these claims are rejected for the same reason." See Office Action at 7. As discussed above, Ishihara fails to disclose the system claimed in the claims referred to by the Examiner. The addition of Nitta fails to cure the deficiencies in Ishihara discussed above. As such, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By

  
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